

§221. Acquisition of balance of land in certain cases; disposition; exchange; excess property

A.(1) When, as a result of the acquisition of a part of a parcel of property, or of a lot if the parcel was subdivided, the remaining part of the parcel or lot has an area which is less than fifty percent of the area of the original or when the greater linear dimension of the remaining part, measured from the nearer right of way line and perpendicular to the axis of the road, is less than fifty feet, the department may acquire by purchase or expropriation the remainder of the parcel or lot.

(2) When the department has acquired property in excess of the width or area required for departmental purposes or determines that certain property is no longer needed for its purposes, such property may be sold to the highest bidder after advertisement for bids twice within a thirty-day period provided the final advertisement appears at least fifteen days prior to sale in the official journal of the parish in which the property is located. However, the secretary may, within his discretion, sell such property at a private sale to the vendor who sold to the department upon payment of the original cost to the department or its present appraised market value, whichever is greater, or to the said vendor's successors in title, or to the owner of the land whose property or any portion thereof is separated from a highway by such excess area, upon payment of the present appraised market value.

(3) The advertisement shall accurately describe the location of the property, all the conditions of sale, and the exact time and place where the bids will be presented, opened, and read. All bids shall be publicly presented, publicly opened, and publicly read on the same day presented.

(4) If excess immovable property authorized to be sold pursuant to this Section is not purchased at public or private sale as provided herein, or if the cost of advertisement is greater than the fair market value of the property so that the property lacks a positive net value to the department, the secretary may, within his discretion, do either of the following:

(a) Donate the property pro rata to the adjacent landowner or landowners.

(b) Convey ownership of the property to any political subdivision in which the property is located or to the Department of Natural Resources.

(5)(a) When houses, buildings, or other structures are acquired by the department for which the estimated value of sale for salvage and removal is more than thirty thousand dollars or the estimated cost of demolition is more than thirty thousand dollars, the proposed sale or demolition shall be advertised for bids once, at least fifteen days prior to the receipt of bids, in the official journal of the parish in which the property is located.

(b) If the estimated value of salvage of houses, buildings, or other structures is less than required for advertisement, or if the cost of demolition is less than thirty thousand dollars, the department may arrange for salvage or demolition by letter bids. The bids shall be solicited from the list of contractors who have submitted their names in response to an annual advertisement for placement on the department's list of demolition and salvage contractors. The department shall contract for salvage or demolition to the bidder that provides the greatest monetary benefit to the department.

B. The secretary, in addition, may exchange immovable property as referenced in Subsection A of this Section by private conveyance for immovable property needed for the construction or maintenance of a state highway, provided that the immovable property sought to be acquired by exchange shall have a present appraised market value equal to or greater than the present appraised market value of the excess

or surplus immovable property owned by the department which is to be exchanged.

C. Any immovable property expropriated by the department which has not been used for departmental purposes within fifteen years of the date of expropriation shall be declared by the secretary of the Department of Transportation and Development to be excess property. The secretary shall offer to sell any excess property held by the department at a private sale to the vendor who sold the property to the department, or to the vendor's successors in title, upon payment of the original cost to the department or appraised market value, whichever is less, or, to the owner of the land whose property, or any portion thereof, if separated from a highway by such excess area, upon payment to the department of the present appraised market value.

Amended by Acts 1962, No. 199,§ 1; Acts 1977, No. 291,§ 1; Acts 1980, No. 373,§ 1; Acts 1987, No. 227,§ 1; Acts 1993, No. 1028,§ 1, eff. June 27, 1993.